

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HOLMAN AUTOMOTIVE GROUP

Plaintiff,

CIVIL ACTION NO. 05-CV-72620-DT

vs.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

CAPPO MANAGEMENT XVII, INC.,  
et al,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER REQUIRING PARTIES TO FILE A PROPOSED PROTECTIVE  
ORDER AND A JOINT STATEMENT OF DISCOVERY ISSUES IN DISPUTE  
AS TO PLAINTIFF'S MOTION TO COMPEL  
(DOCKET # 46)**

On April 17, 2006 Plaintiff filed a Motion to Compel Discovery Regarding Plaintiff's Second Request for Production of Documents and Interrogatories to Defendants (Docket # 46). Plaintiff further seeks sanctions in the amount of reasonable costs and attorney fees. Defendants responded to said motion on May 12, 2006. Plaintiff filed a supplemental brief in Support of its Motion to Compel on May 15, 2006. Defendant filed a supplemental brief in Support of its Response combined with a Motion for a Protective Order on May 19, 2006. District Court Judge Lawrence P. Zatkoff referred said motions to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). All parties appeared through counsel for oral arguments on May 22, 2006. These motions are now before this Court.

\* \* \* \* \*

Plaintiff alleges in its Motion to Compel that Defendants have failed to respond or

object to its Second Request for Production of Documents and Interrogatories dated February 21, 2006. Plaintiff seeks an order compelling Defendants' responses to said discovery.

Defendants responded that their written responses to Plaintiff's Second Request for Production of Documents and Interrogatories were served on April 13, 2006. Plaintiff then filed a supplemental brief in support of its Motion to Compel asserting that Defendants' late responses are inadequate. Defendants filed a supplemental brief response joined with a Motion for a Protective Order justifying their responses to Plaintiff's Requests. Neither party sought this Court's permission to file a Supplemental Brief in accordance with Local Rule 7.1(f).

The parties appeared before this Court for oral argument on May 22, 2006. At the hearing, the parties advised that they have made no attempt to resolve the discovery disputes regarding Plaintiff's Motion to Compel without court intervention. The parties also agreed that a protective order may facilitate a resolution of several of the discovery disputes at issue in Plaintiff's Motion to Compel.

**THEREFORE, IT IS HEREBY ORDERED** that the parties file a proposed, mutually agreed upon protective order **on or before June 2, 2006**. If the parties cannot agree upon a proposed protective order, then each party will submit its own proposed protective order to this Court **on or before June 2, 2006**.

**IT IS FURTHER ORDERED** that the parties will file a joint statement of any remaining discovery issues in dispute as they relate to Plaintiff's Motion to Compel (Docket # 46) **on or before June 15, 2006**. The parties are strongly encouraged to amicably

resolve their discovery disputes without further Court intervention.

The Court **HOLDS** its rulings on the issue of sanctions **IN ABEYANCE**.

**IT IS SO ORDERED.**

**Notice to the Parties**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: May 24, 2006

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**Proof of Service**

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: May 24, 2006

s/ Lisa C. Bartlett  
Courtroom Deputy